APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,819	09/26/2000	Vellore T. Vetrivelkumaran	4254 15-752	4241

7590 08/23/2004

Watts Hoffmann Fisher & Heinke Co LPA
Suite 1750
1100 Superior Ave
Cleveland, OH 44114-2518

EXAMINER
POLLACK, MELVIN H

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 April 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 September 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *see attached office action*.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 9/26/00 have been fully considered but they are not

persuasive. A discussion of the reasons is provided below.

2.   The applicant starts with a discussion regarding the invention. The examiner will also

discuss the invention as currently drawn in the claims.

3.   For claim 1, a method for updating a client computer coupled by a network to a server

computer comprising:

       a.   Changing a status of a server computer;

       b.   Transmitting a status message by means of the network between the server

       computer and the client computer regarding a change of status of the server computer;

       c.   Displaying a message at the client computer to appraise a user that a status of the

       server computer has changed; and

       d.   Initiating a communications between the client computer and the server computer

       over the network to inform the client computer regarding details of the change of status in

       the server computer.

4.   The above claim is broad in regard to the following details: the person or device which

changes the status of a server computer, the precise type of status change, etc. As such, the

system may be a wide variety of systems. Further, as examiner previously specified, the

"changing of status" is considered in the art to mean a wide variety of functions. If the applicant

has a particular status change in mind, he may wish to consider amending the claims to advance

prosecution. The examiner applied a system to perform system diagnostics, but they can also be

applied to server/network configuration changes, software updates, and even to document control management. For example, a system in which a user changes a file on a server, and the server then provides the new file to all the other clients (i.e. web mirroring, software updates, etc.) clearly falls under the above claim language. Hence, other rejections may also be applied to this claim.

5.   The examiner further notes that the above language does not specify whether the server computer performs a self-diagnosis. Therefore, another computer, i.e. a diagnostic server, may diagnose the server computer.

6.   The applicant claims that Chen does not expressly disclose, after a change in status of the server computer, transmitting a status message to the client, and claims instead that the quoted passage states checking client status. The quoted passage states that the purpose is real-time monitoring of a data processing system, and that "in order to carry out this monitoring, intelligent agents are *installed in each server* for r4unning, after the phasing of client requests, *a check on the status of each server, measuring and storing parameters indicating the status and the behavior of the server at a given moment*, which information is automatically collected as a function of the domains examined and systematically processed by the server (i.e. self-diagnosis) so as to be offered in the form of presentation reports (status message)... the client's browser accesses these dynamic pages (transmission of the status message from the server to the client) having the collected and processed information (regarding a change of status) (col. 2, lines 40-50)." Therefore, Chen clearly cites the method of a client learning the status of the server, in this case because the purpose of the client is clearly to allow an administrator to remotely diagnose server computers using a client's web browser.

7.   In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992). In this case, the purpose of Johnson and Chen is to perform remote system and network

management through a variety of tools. The purpose of Kenner is to provide a new tool: to

download a new software patch, i.e. a codec, when the client determines that the server has been

modified with new codecs. In the case of Kenner, the server sends to the client a list of changes

made on the server, and the client then proceeds to determine which software patches need to be

updated in order to still talk to the server. At the time the invention was made, one of ordinary

skill in the art would have recognized that fixing or updating a server would likely require

changes to a client as well, and thus set up a system to automatically update the client after fixing

the server.

8.   Applicant also argues that DeKoning does not expressly disclose, "automatically

reconfiguring the client computer based on the status change of the server," and claims that

DeKoning only teaches reconfiguring based on status change of the client. The examiner

disagrees. DeKoning expressly teaches that the invention may be used on any network device

(col. 3, line 56 – col. 4, line 5). In Fig. 16, the process clearly involves the host (client) making

state changes to the controller (server), followed by the reception of status updates to the host

(Fig. 16; #1606, #1620).

9.   Applicant also argues that Johnson does not expressly disclose that the communications

component is a DCOM server component having an interface exposed to a DCOM client.

Johnson teaches this information, as shown above, and in multiple areas (col. 9, lines 40-50).

Furthermore, the applicant has failed to teach how the use of DCOM, which is well known in the

art, may be considered an inventive step, or difficult to implement in said environment.

10.   Applicant also argues that Johnson does not expressly disclose "sending a message

regarding an updated status." The examiner has already shown this in the claim 1 discussion.

Fig. 7 adds further detail regarding the movement of data and messages within the system and,

when compared to Fig. 3, provides a view of the diagnostic system (col. 9, lines 5-10).

11.   Applicant also argues that Johnson does not expressly disclose displaying a list of client

reconfiguration choices. Fig. 5 shows an example of such a list, in this case for reconfiguration

of a printer, which is only one possible example (col. 6, line 52 – col. 7, line 35).

12.   For the above reasons, the examiner rejects applicant's remarks regarding the above

claims. The current rejection stands, and is thus made final.

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

14.   Claims 1-5, 7, 10, 11, 14-19, 23-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Johnson, II et al. (6,397,245) in view of Chen et al. (6,021,437).

15.   For claim 1, Johnson teaches a method (see abstract) for updating (col. 1, lines 10-11) a

client computer (Fig. 1, 12; Fig. 6, 102) coupled by means of a network (Fig. 1, 18) to a server

computer (Fig. 1, 26) comprising:

a.   Transmitting a status message by means of the network between the server

computer and the client computer regarding a change of status (Fig. 6B; esp 130-150

communications) of the server computer (see below);

b.   Displaying a message at the client computer to appraise a user that a status has

changed (Fig. 5); and

c.   Initiating a communications between the client computer and the server computer

over the network to inform the client computer regarding details of the change of status in

the server computer (col. 2, lines 20-30).

16.   Johnson does not expressly disclose that the status of a server is taken. However, it is

clear that the status may be taken regarding a wide variety of problems involving any machine on

the network (Fig. 2). The examiner interprets this to mean that the status of the network server

may also be determined, i.e. for troubleshooting network and security problems. At the time the

invention was made, one of ordinary skill in the art would have allowed Johnson to view a server

in order to troubleshoot certain well-known problems such as network connectivity (col. 1, lines

49-60).

17.   Johnson does not expressly disclose changing a status of a server computer. Chen

teaches a real-time monitoring system (abstract) that specifically checks the status and behavior

of a server (col. 2, lines 30-50; col. 13, lines 5-15). It is obvious in this that the status of the

server may be changed, i.e. a connection failure. Chen further provides that the status of a server

may be changed deliberately, i.e. through an upgrade (col. 2, lines 64-67). At the time the

invention was made, one of ordinary skill in the art would have added the changing of a status

computer, and the checking thereof, to determine if items were okay after an upgrade (col. 1,

lines 50-55).

18.   For claim 2, Johnson does not expressly disclose the changing of server computer status

by means of software running on a client computer coupled to the server computer by means of

the network. Chen provides this limitation as well (col. 11, line 49 – col. 12, line 40). At the

time the invention was made, one of ordinary skill in the art would have used Chen's server

process to automatically solve server problems from the location (col. 12, lines 20-25).

19.   For claim 3, Johnson does not expressly disclose the step of transmitting a status message

is performed in response to periodic polling of the server status by the client computer. Chen

provides a periodic polling of a server (col. 2, lines 40-51). At the time the invention was made,

one of ordinary skill in the art would have used Chen's polling system in order to solve

Johnson's dilemma of providing status changes over time (col. 2, lines 9-20).

20.   For claim 4, Johnson does not expressly disclose that the server computer performs the

step of transmitting a status message by sending an alert message to the client computer

regarding the change of server status. Chen teaches this component as well (col. 6, lines 49-54;

col. 7, lines 50-65). At the time the invention was made, one of ordinary skill in the art would

have used a Chen alert in a Johnson system so that an administrator could determine that a

problem existed in a more timely and automatic fashion.

21.   For claim 5, Johnson teaches that there are a plurality of client computers coupled to the

server computer by means of the network (Fig. 1, #14, #16, #20, etc.) and wherein the server

computer broadcasts an updated server status to each of the client computers (col. 7, lines 60-65).

22.   For claim 7, Johnson teaches that the server computer includes a client interface

component for allowing the client computer read only access to a status of the server computer

while determining a change of status of the server computer (col. 9, lines 14-26).

23.   For claim 10, Johnson teaches a method (see abstract) for updating (col. 1, lines 10-11) a

client computer (Fig. 1, 12) coupled by means of a network (Fig. 1, 18) to a server appliance

(Fig. 1, 26) comprising:

> a. Presenting a status message in response to a change in status of the server appliance
>
> by means of the network interface of the server appliance (Fig. 6B, see claim 1
>
> discussion) to alert one or more client computers connected to the network (see claim 4
>
> discussion) that there has been a change of status of the server appliance (Fig. 6B); and
>
> b. Responding to a receipt of the status update request message (Figs 2-4) from the one
>
> or more clients (col. 6, lines 24-40) by sending a network message to a client computer to
>
> appraise a client computer regarding a change of status of the server appliance by
>
> exposing an upgraded status of the server appliance to said client computer to inform the
>
> client computer regarding details of the change of status in the server appliance (col. 9,
>
> lines 14-30).

24.   For claim 11, Johnson teaches the step of initiating the changing of the status of the

server alliance in response to a request from an administrator having administrator status on a

client computer coupled to the server appliance by means of the network (col. 6, line 9).

25.   Claim 14 is drawn to the limitations in claim 7. Therefore, since claim 7 is rejected, claim 14 is also rejected for the reasons above.

26.   Claim 15 is drawn to a hardware system that implements the method drawn in claims 1 and 7. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 1 and 7 are rejected, claim 15 is also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

27.   For claim 16, Johnson teaches that the communications component is a DCOM server component having an interface exposed to a DCOM client residing on the one or more client computers (Fig. 6, 134).

28.   Claims 17-19 are drawn to a software system that implements the method drawn in claims 1-3, respectively. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 1-3 are rejected, claims 17-19 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

29.   Claims 23-25 are drawn to a software system that implements the method drawn in claims 10, 11, and 14, respectively. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 10, 11, and 14 are rejected, claims 23-25 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

30.   Claims 6, 12, 13, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Johnson and Chen as applied to claims 1-5, 7, 10, 11, 14-19, 23-25 above, and further in view of

Kenner et al. (6,314,565).

31.   For claim 6, Johnson teaches that the details in the change in status of the server

computer includes a list of updated server computer status features (Fig. 5), but does not

expressly disclose additionally comprising the step of displaying said list of updated server

features and a then current status of said features for the client computer to aid a user in updating

the client computer status. Chen does not expressly disclose the later limitations. Kenner

teaches a method (see abstract) in which a server is upgraded and a client subsequently needs to

be upgraded as a result (col. 3, lines 54-67). In this, a client displays a list of updated service

features (col. 4, lines 4-53) and then determines the current status of the client (col. 4, lines 53-

55) for comparison (col. 4, lines 55-65). At the time the invention was made, one of ordinary

skill in the art would have used a Kenner system in Johnson in order to download fixes in times

when server upgrades cause problems for clients (col.3, lines 5-20).

32.   For claim 12, Johnson and Chen do not expressly disclose that the client computer

responds to the communications between the client computer and the server appliance by a step

of displaying a user interface that allows the user to selectively update the client to match a

changed status of the server appliance. Kenner teaches this limitation (col. 4, line 58 – col. 5,

line 7 and col. 7, lines 48-49).

33.   Claim 13 is drawn to the limitations in claim 6. Therefore, since claim 6 is rejected,

claim 13 is also rejected for the reasons above.

34.   Claim 20 is drawn to a software system that implements the method drawn in claim 6. It
is well known in the art that a system implementation is functionally equivalent to the underlying
method. Therefore, since claim 6 is rejected, claim 20 is also rejected for the reasons above. A
teaching that shows the functional equivalence will be included upon request.

35.   Claims 8, 9, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Johnson and Chen as applied to claims 1-5, 7, 10, 11, 14-19, 23-25 above, and further in view of
DeKoning et al. (6,480,955).

36.   For claim 8, Johnson and Chen do not expressly disclose automatically reconfiguring the
client computer based on the details of the change of status in the server computer. DeKoning
teaches a method (see abstract) of remote system monitoring and reconfiguration (col. 1, lines
24-30) in which the server automatically manages changes to the client computers (col. 2, lines
35-50). At the time the invention was made, one of ordinary skill in the art would have used a
DeKoning automatic reconfiguration system to fulfill Johnson's goal of making administration
more user-friendly (Johnson, col. 1, line 60 – col. 2, line 5) by providing a system that is easier to
manage (DeKoning, col. 2, lines 1-11).

37.   For claim 9, Johnson and Chen do not expressly disclose displaying a message at the
client computer that a status of the client computer has automatically been reconfigured based on
the change of status of the server computer. DeKoning teaches this limitation as well (col. 2,
lines 50-55). At the time the invention was made, one of ordinary skill in the art would added a
DeKoning status update to Johnson's system because users expect to see system updates (col. 1,
lines 51-55).

38.   Claims 21 and 22 are drawn to a software system that implements the method drawn in

claims 8 and 9, respectively. It is well known in the art that a system implementation is

functionally equivalent to the underlying method. Therefore, since claims 8 and 9 are rejected,

claims 21 and 22 are also rejected for the reasons above. A teaching that shows the functional

equivalence will be included upon request.

39.   Claim 26-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson and

Chen as applied to claims 1-5, 7, 10, 11, 14-19, 23-25 above, and further in view of Reha et al.

(6,282,709).

40.   For claim 26, Johnson teaches that for use with a computer having a graphical user

interface including a display (Fig. 2-5) and a user interface selection device (col. 6, lines 11-14),

a method (see abstract) of updating a configuration of the computer (col. 1, lines 10-11) by

means of computer setup wizard (col. 9, lines 14-26) which comprises the steps of:

    a. Displaying an interface link that can be actuated with an interface selection device

    (col. 6, lines 5-15) to launch the computer setup wizard (col. 6, lines 24-40) in response

    to receipt of message from the network server that a server configuration has changed

    (Fig. 7, check node installation);

    b. Communicating with the server (Fig. 6A) to determine an updated status of the server

    computer (Fig. 6B) and displaying a list of client reconfiguration choices based on the

    updated status (Fig. 5);

    c. Allowing a user to accept or modify the solutions to the problem (col. 7, lines 30-35).

41.   Johnson does not expressly disclose updating a configuration in response to a reconfiguration of a network server. Chen teaches this limitation, as shown in the claim 1 discussion. At the time the invention was made, one of ordinary skill in the art would have combined the two inventions for the reasons provided in the claim 1 discussion.

42.   Johnson and Chen do not expressly disclose providing a command button which when actuated by the user begins the process of reconfiguring the client computer based upon the list of client reconfiguration choices. Reha teaches a method (see abstract) of monitoring a server (Fig. 2) and reconfiguring the client in response to said changes (col. 1, lines 50-65) in which command buttons are provided (Fig. 4) which when actuated by the user begin the process of reconfiguring the client computer (Fig. 5). At the time the invention was made, one of ordinary skill in the art would have added this selection ability to Johnson in order to allow users to download changes that they feel comfortable making (col. 1, lines 45-49).

43.   For claim 27, Johnson and Chen do not expressly disclose that a list of checkboxes are presented on the display which allow the user to select desired client reconfigurations from the list of client configurations. Reha teaches this limitation (col. 6, lines 32-38; col. 7, lines 20-30; col. 8, lines 5-10; col. 9, lines 30-55). At the time the invention was made, one of ordinary skill in the art would have added these checkboxes to Johnson because there may be times when users do not wish to add specific components (col. 8, lines 5-10).

44.   For claim 28, Johnson and Chen do not expressly disclose that the checkboxes have an initial state of being either checked or unchecked based on a sensed configuration of the server computer. Reha teaches that the selected components are at least partially based on how well the server configuration matches the client configuration (col. 9, lines 33-60). At the time the

invention was made, one of ordinary skill in the art would have added these checkboxes to

Johnson because they would have assumed an unsophisticated user (col. 1, lines 30-35) and

desired to help the user determine which components to download (col. 7, lines 59-65).

45.   For claim 29, Johnson teaches that at least one checkbox relates to a disk drive

configuration on the client for sharing access to a disk drive on the network (Fig. 2, 161).

46.   For claim 30, Johnson teaches that at least one checkbox relates to adding shared Internet

access through a server connection to the Internet by means of communications with the server

over a network (Fig. 2, 161).

47.   For claim 31, Johnson teaches that at least one checkbox relates to adding secure access

to services of the server from the client computer by means of network password protection (Fig.

2, 162).

48.   For claim 32, Johnson teaches that at least one checkbox relates to a printer

reconfiguration on the client computer based on a presence of a printer coupled to a network

(Fig. 2, 163).

Conclusion

49.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

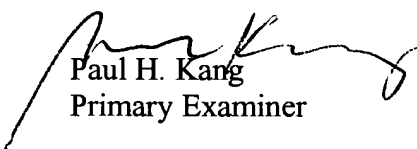will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H Pollack whose telephone number is (703) 305-4641. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melvin H Pollack
Examiner
Art Unit 2141

Paul H. Kang
Primary Examiner

MHP
09 August 2004